

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ALLEYTA, DOTSY,	§	No. 6:14-cv-682
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
CHASE BANK U.S.A, N.A.,	§	
	§	
Defendant.	§	
	§	

PLAINTIFF'S COMPLAINT

ALLEYTA DOTSY (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against CHASE BANK U.S.A., N.A. (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act, 28 U.S.C. § 227 *et seq.* (TCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331.
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

6. Plaintiff is a natural person residing in Edgewood, Van Zandt County, Texas.
7. Defendant is a business entity with offices located throughout the country, including an office in Wilmington, Delaware.

FACTUAL ALLEGATIONS

10. In or around the month of February of 2014, Defendant began placing collection phone calls to Plaintiff, seeking and demanding payment for an alleged consumer debt.
11. Upon information and belief, Plaintiff does not owe the debt Defendant is attempting to collect.
12. Defendant places collection calls to Plaintiff's cellular telephone number at 214-723-31XX.
13. Defendant placed collection calls from telephone numbers including, but not limited to, 800-935-9935.
14. Per its prior business practices, each of these collection calls were placed using an automatic telephone dialing system.
15. Plaintiff does not have any business dealings with Defendant, did not at any time provide Defendant with her cellular telephone number, nor did Plaintiff at any time provide consent for Defendant to place calls to her cellular telephone using an automated telephone dialing system.
16. Despite this, Defendant continues to place calls to Plaintiff at the following approximate dates and times:
 - February 28, 2014: one (1) call at 8:20 a.m.,
 - March 4, 2014: two (2) calls at 8:36 a.m. and 8:36 a.m.
 - March 5, 2014: one (1) call at 8:19 a.m.

- March 7, 2014: two (2) calls;
- March 8, 2014: two (2) calls;
- March 11, 2014: three (3) calls;
- March 13, 2014: three (3) calls;
- March 17, 2014: three (3) calls;
- March 18, 2014: four (4) calls;
- March 19, 2014: four (4) calls;
- March 20, 2014: six (6) calls;
- March 21, 2014: two (2) calls

COUNT I

DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTIONS ACT

17. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

18. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

Wherefore, Plaintiff, ALLEYTA DOTSY, respectfully requests judgment be entered against Defendant, CHASE BANK U.S.A., N.A. for the following:

19. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);

20. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
21. All court costs, witness fees and other fees incurred; and
22. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: August 11, 2014

By: Ryan S. Lee
Ryan S. Lee
Krohn & Moss, Ltd
10474 Santa Monica Blvd.
Suite 405
Los Angeles, CA 90025
(323) 988-2400 x241
(866) 861-1390 (fax)
Email: rlee@consumerlawcenter.com